

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HARRY LEE BOGGS, JR.,

Plaintiff,

v.

TROMBAL, *et al.*,

Defendants.

Case No. 2:20-cv-01012-KJD-EJY

ORDER

I. DISCUSSION

On May 26, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period.**

The Court grants Plaintiff a **one-time** extension to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **August 10, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a fully complete

1 application to proceed *in forma pauperis* with all three required documents or pay the full \$400 filing
 2 fee on or before **August 10, 2020**, the Court will dismiss this case without prejudice for Plaintiff to
 3 file a new case with the Court when Plaintiff is either able to acquire all three of the documents
 4 needed to file a fully complete application to proceed *in forma pauperis* or pay the full \$400 filing
 5 fee.

6 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 7 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 8 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
 9 application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
 10 **August 10, 2020** to proceed with this case. The Court will retain Plaintiff's civil rights complaint
 11 (ECF No. 1-1), but the Court will not file the complaint unless and until Plaintiff timely files a fully
 12 complete application to proceed *in forma pauperis* with all three documents or pays the full \$400
 13 filing fee.

14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court shall send
 16 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the
 17 document entitled information and instructions for filing an *in forma pauperis* application.

18 IT IS FURTHER ORDERED that on or before **August 10, 2020**, Plaintiff shall either pay
 19 the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 20 administrative fee) or file with the Court:

- 21 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
- 22 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
- 23 3),
- 24 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
- 25 (i.e. page 4 of this Court's approved form), and
- 26 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
- 27 **six-month period.**

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
2 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
3 on or before **August 10, 2020**, the Court will dismiss this action without prejudice for Plaintiff to
4 refile the case with the Court, under a new case number, when Plaintiff has all three documents
5 needed to file a complete application to proceed *in forma pauperis* or is able to pay the filing fee..

6 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the Complaint (ECF
7 No.1-1) but will not file it at this time.

8 Dated this 9th day of June, 2020

9 
10 ELAYNA J. YOUCHAK
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28